

ORIGINAL

JUN 24 1991

Before the
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1989 Satellite Carrier
Royalty Fund

)
) CRT Docket No. 91-1-89SCD

PROGRAM SUPPLIERS' COMMENTS
CONCERNING EXISTENCE OF A CONTROVERSY
AND NOTICE OF INTENT TO PARTICIPATE

Program Suppliers, in accordance with the Tribunal's order of May 14, 1991, submit comments concerning the issue of whether a controversy exists with regard to the 1989 satellite carrier fund and their notice of intent to participate in a proceeding.

Program Suppliers submit that a controversy does not yet exist regarding this fund. The parties who are also claimants to the cable royalty fund have met to consider possible bases for settling the satellite carrier distribution. These discussions are still at a preliminary stage of fact gathering. The Tribunal's order ruling that owners of network programs could seek royalty distribution introduced new considerations to the discussions. This has added complication to the discussions. It should be emphasized, however, that the parties appear to be desirous of resolving this matter by settlement, rather than by litigation.

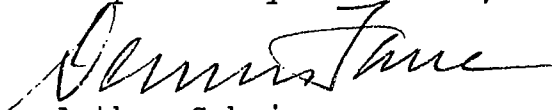
It should also be noted that the parties involved in these discussions are also involved in the 1989 cable royalty distribution proceeding and the satellite carrier rate adjustment proceeding. These latter two matters have current deadlines which the parties are striving to meet. Because of the effort involved in preparation for those matters, the parties have been unable to direct their full attention to the instant matter.

In these circumstances, Program Suppliers believe the best course would be to delay any decision as to whether a controversy exists. The parties are actively seeking to resolve the matter without the need for hearing. By giving the parties more time now to deal with the new issues and new parties, the Tribunal may avoid a hearing. It is unlikely that a delay in declaring a controversy will have any real practical effect on a hearing schedule.¹

Program Suppliers intend to participate in any proceeding that may eventually be held in the captioned docket.

WHEREFORE, Program Suppliers request that the Tribunal delay ruling on whether a controversy exists regarding the instant case.

Respectfully submitted,



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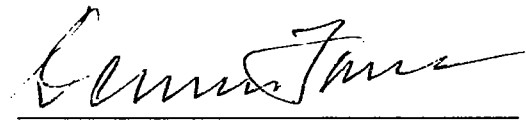
Attorneys For
PROGRAM SUPPLIERS

June 24, 1991

¹ The Tribunal and the parties are currently facing a Phase I hearing for the 1989 cable royalty fund which could last for the rest of 1991. If the satellite carrier rate adjustment negotiations are unsuccessful, the parties will be faced with the fast arbitration proceedings established by §119. These matters should take precedent over the 1989 satellite carrier royalty distribution, and thus it is unlikely the Tribunal or the parties would be able to schedule a hearing regarding 1989 satellite carrier royalty distribution until the spring of 1992.

CERTIFICATE OF SERVICE

I, Dennis Lane, certify that I have, this 24th day of June, 1991, served a copy of the foregoing "Program Suppliers' Comments Concerning Existence Of A Controversy" by first class mail, postage prepaid, to the parties on the attached list.

A handwritten signature in cursive script, appearing to read "Dennis Lane", is written over a horizontal line.

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